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Pabst Patent Group LLP
400 Colony Square, Suite 1200
1201 Peachtree Street
Atlanta, GA 30361

Telephone (404) 879-2150
Telefax (404) 879-2160

information@pabstpatent.com
www.pabstpatent.com

TELEFAX

Date: September 30, 2005

Total pages: 6 including cover

To: US PTO

Telephone:**Telefax: 571-273-8300**

From: Patrea L. Pabst

Telephone: 404-879-2151

Telefax: (404) 879-2160

Our Docket No. CP 107 M (2)
Your Docket No.

Client/Matter No. 085337/00012

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MESSAGE:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Jane C. Hirsh, Roman V. Rariy, and Michael Heffernan

Serial No.: 10/691,936

Group Art Unit: 1615

Filed: October 22, 2003

Examiner: Humera N. Sheikh

For: *MODIFIED RELEASE COMPOSITIONS OF MILNACIPRAN*

Attachments:

Transmittal Form PTO/SB/21**Fee Transmittal Form PTO/SB/17**

Supplemental Information Disclosure Statement

One (1) page of PTO-1449

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086117.00012

CP 107 M (2)

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PTO/SB/21 (09-04)

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**TRANSMITTAL
FORM**

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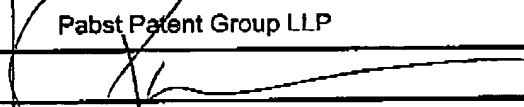
Total Number of Pages in This Submission

| | |
|------------------------|------------------|
| Application Number | 10/691,936 |
| Filing Date | October 22, 2003 |
| First Named Inventor | Jane Hirsh |
| Art Unit | 1615 |
| Examiner Name | Humera N. Sheikh |
| Attorney Docket Number | CP 107 M(2) |

ENCLOSURES (Check all that apply)


| | | |
|---|---|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> After Allowance Communication to TC |
| <input type="checkbox"/> Fee Attached | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input type="checkbox"/> Amendment/Reply | <input type="checkbox"/> Petition | <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Proprietary Information |
| <input type="checkbox"/> Affidavits/declaration(s) | <input type="checkbox"/> Power of Attorney, Revocation | <input type="checkbox"/> Status Letter |
| <input type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Change of Correspondence Address | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): |
| <input type="checkbox"/> Express Abandonment Request | <input type="checkbox"/> Terminal Disclaimer | one (1) page of PTO-1449 |
| <input checked="" type="checkbox"/> Information Disclosure Statement | <input type="checkbox"/> Request for Refund | |
| <input type="checkbox"/> Certified Copy of Priority Document(s) | <input type="checkbox"/> CD, Number of CD(s) _____ | |
| <input type="checkbox"/> Reply to Missing Parts/Incomplete Application | <input type="checkbox"/> Landscape Table on CD | |
| <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | Remarks | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | | | |
|--------------|---|----------|--------|
| Firm Name | Pabst Patent Group LLP | | |
| Signature |  | | |
| Printed name | Patrea L. Pabst | | |
| Date | September 29, 2005 | Reg. No. | 31,284 |

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

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|-----------------------|---|------|--------------------|
| Signature |  | | |
| Typed or printed name | Ronna Berman | Date | September 30, 2005 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Effective on 12/08/2004.
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).**FEE TRANSMITTAL**
For FY 2005☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 0.00

Complete If Known

| | |
|----------------------|------------------|
| Application Number | 10/691,936 |
| Filing Date | October 22, 2003 |
| First Named Inventor | Jane Hirsh |
| Examiner Name | Humera N. Sheikh |
| Art Unit | 1615 |
| Attorney Docket No. | CP 107 M (2) |

METHOD OF PAYMENT (check all that apply)
☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☒ Deposit Account Deposit Account Number: 50-3129 Deposit Account Name: Pabst Patent Group LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee
☐ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

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FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

| Application Type | FILING FEES | | SEARCH FEES | | EXAMINATION FEES | | Fees Paid (\$) |
|------------------|-------------|-----------------------|-------------|-----------------------|------------------|-----------------------|----------------|
| | Fee (\$) | Small Entity Fee (\$) | Fee (\$) | Small Entity Fee (\$) | Fee (\$) | Small Entity Fee (\$) | |
| Utility | 300 | 150 | 500 | 250 | 200 | 100 | |
| Design | 200 | 100 | 100 | 50 | 130 | 65 | |
| Plant | 200 | 100 | 300 | 150 | 160 | 80 | |
| Reissue | 300 | 150 | 500 | 250 | 600 | 300 | |
| Provisional | 200 | 100 | 0 | 0 | 0 | 0 | |

2. EXCESS CLAIM FEES

| Fee Description | Fee (\$) | Small Entity Fee (\$) |
|---|----------|-----------------------|
| Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent | 50 | 25 |
| Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent | 200 | 100 |
| Multiple dependent claims | 360 | 180 |

| Total Claims | Extra Claims | Fee (\$) | Fee Paid (\$) | Multiple Dependent Claims | Fee (\$) | Fee Paid (\$) |
|---|--------------|----------|---------------|---------------------------|----------|---------------|
| 24 - 24 or HP = | 0 | x | = | | | |
| HP = highest number of total claims paid for, if greater than 20 | | | | | | |
| Indep. Claims | Extra Claims | Fee (\$) | Fee Paid (\$) | | | |
| 2 - 3 or HP = | 0 | x | = | | | |
| HP = highest number of independent claims paid for, if greater than 3 | | | | | | |

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

| Total Sheets | Extra Sheets | Number of each additional 50 or fraction thereof | Fee (\$) | Fee Paid (\$) |
|--------------|--------------|--|----------|---------------|
| - 100 = | / 50 = | (round up to a whole number) x | = | |

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other: _____

SUBMITTED BY

| | | |
|-----------------------------------|-------------------------|--------------------------|
| Signature | Registration No. 31,284 | Telephone (404) 879-2151 |
| Name (Print/Type) Patrea L. Pabst | (Attorney/Agent) | Date September 6, 2005 |

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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SEP 30 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Jane Hirsh, Roman V. Rariy, and Michael Heffernan

Serial No.: 10/691,936

Art Unit: 1615

Filed: October 22, 2003

Examiner: Sheikh, Humera N

For: *MODIFIED RELEASE COMPOSITIONS OF MILNACIPRAN*Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §1.56 and 37 C.F.R. §1.97, Applicants submit a Supplemental Information Disclosure Statement, including (1) page of Form PTO-1449. Pursuant to the waiver in the notice entitled "Information Disclosure Statements May Be Filed Without Copies of U.S. Patents and Published Applications in Patent Applications Filed After June 30, 2003" published on August 5, 2003 in 1273 OG 55, a copy of the cited U.S Patent is not enclosed. Copies will be provided upon request, however.

This Supplemental Information Disclosure Statement is being filed under 37 C.F.R. § 1.97(b) prior to a first Office Action on the merits. It is believed that no fee is required with this submission. However, should a fee be required, the Commissioner is hereby authorized to charge any fees to Deposit Account No. 50-3129.

U.S.S.N.: 10/691,936
Filed: October 23, 2003
SUPPLEMENTAL INFORMATION
DISCLOSURE STATEMENT

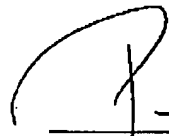
U.S. Patents

| <u>Number</u> | <u>Issue Date</u> | <u>Patentee</u> | <u>Class/Subclass</u> |
|---------------|-------------------|-----------------|-----------------------|
| 5,958,429 | 09-28-1999 | Wong | 424/400 |

Remarks

This statement should not be interpreted as a representation that an exhaustive search has been conducted or that no better art exists. Moreover, Applicants invite the Examiner to make an independent evaluation of the cited art to determine its relevance to the subject matter of the present application. Applicants are of the opinion that their claims patentably distinguish over the art referred to herein, either alone or in combination.

Respectfully submitted,



Patrea L. Pabst
Reg. No. 31,284

Dated: September 28, 2005

PABST PATENT GROUP LLP
400 Colony Square, Suite 1200
1201 Peachtree Street
Atlanta, Georgia 30361
(404) 879-2151 (Telephone)
(404) 879-2160 (Fax)

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|--|------------------|----|---|--|--|--------------------|------------|-------------|------------------|----------------------|------------|----------------|------|---------------|------------------|------------------------|-------------|
| Substitute for form 1449A/PTO | | | | <div> <div>Complete if Known</div> <table border="1"> <tr> <td>Application Number</td> <td>10/691,936</td> </tr> <tr> <td>Filing Date</td> <td>October 23, 2003</td> </tr> <tr> <td>First Named Inventor</td> <td>Jane Hirsh</td> </tr> <tr> <td>Group Art Unit</td> <td>1615</td> </tr> <tr> <td>Examiner Name</td> <td>Sheikh, Humera N</td> </tr> <tr> <td>Attorney Docket Number</td> <td>CP 107M (2)</td> </tr> </table> </div> | | Application Number | 10/691,936 | Filing Date | October 23, 2003 | First Named Inventor | Jane Hirsh | Group Art Unit | 1615 | Examiner Name | Sheikh, Humera N | Attorney Docket Number | CP 107M (2) |
| Application Number | 10/691,936 | | | | | | | | | | | | | | | | |
| Filing Date | October 23, 2003 | | | | | | | | | | | | | | | | |
| First Named Inventor | Jane Hirsh | | | | | | | | | | | | | | | | |
| Group Art Unit | 1615 | | | | | | | | | | | | | | | | |
| Examiner Name | Sheikh, Humera N | | | | | | | | | | | | | | | | |
| Attorney Docket Number | CP 107M (2) | | | | | | | | | | | | | | | | |
| <div> <div>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</div> <div>(use as many sheets as necessary)</div> </div> | | | | | | | | | | | | | | | | | |
| Sheet | 1 | of | 1 | | | | | | | | | | | | | | |

[illegible][illegible]

| | | | |
|----------------------|--|-----------------|--|
| Examiner's Signature | | Date Considered | |
|----------------------|--|-----------------|--|

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant to place a check mark here if English language Translation is attached.

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